

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SETH D. HARRIS, :
ACTING SECRETARY OF LABOR, :
UNITED STATES DEPARTMENT OF LABOR, :
Plaintiff, : CIVIL ACTION No.
v. : 2:09-cv-00988 MAM
JOHN J. KORESKO, V, et al., :
Defendants. :

**PLAINTIFF'S OPPOSITION TO KORESKO PARTIES' REQUEST FOR EMERGENCY
INJUNCTION AND MOTION FOR RULE 11 SANCTIONS**

Plaintiff, Seth D. Harris, Acting Secretary of Labor, United States Department of Labor (“Secretary”), opposes the Koresko Defendants’ Request for Emergency Injunction and Motion for Rule 11 Sanctions and requests that the Motion be denied.

The Secretary of Labor issued a press release regarding the issuance of this Court’s Order of July 8, 2013. The press release is attached as Exhibit 1. The release contained only information that was in the public record.

The Koresko Defendants have nevertheless filed a request for an “emergency injunction,” requesting that the press release be recalled, that the Department of Labor cease operating its website, that the Department issue a new press release “confessing” that it violated Pennsylvania law, that the attorneys for the Department be sanctioned and that the case be dismissed. The Koresko Defendants’ primary legal argument centers on the anti-propaganda provisions of

government appropriation bills. They cite no authority, other than the equitable power of this Court, for dismissal of the case and no authority for the imposition of sanctions on the Department's attorneys.

The Koresko Defendants filed a motion on March 12, 2009, seeking almost identical relief, after the Department of Labor issued a press release following the filing of the Secretary's Complaint. (Defendants Emergency Motion for Temporary Restraining Order and Other Preliminary and Permanent Injunctive Relief, Docket 7, attached as Exhibit 2). The Secretary filed a Memorandum in Opposition to that Motion on March 19, 2009 (Plaintiff's Memorandum in Opposition to Defendants' Emergency Motion for Temporary Restraining Order and Other Preliminary and Permanent Injunctive Relief, Docket 10, attached as Exhibit 3). The Secretary incorporates those arguments by reference into this memorandum. In a Memorandum dated March 26, 2009, Judge Jones denied the Defendants' Motion. Solis v. Koresko, Civ. Act. No. 09-0988, 2009 WL 911131 (E.D. Pa. March 31, 2009) (Dkt. 15); aff'd., 378 Fed. Appx. 152 (3d Cir. April 28, 2010).

Just as in 2009, the Koresko Defendants have alleged no law or cause of action to support claims for the extraordinary relief or for the sanctions they seek. The Secretary requests that the Koresko Defendants' instant motion should be denied.

Respectfully submitted,

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